

1885-013 Chancery Causes: Adm. of David R. Kane for & vs. John Riddle &c
Lee Co.

Fugate, Shoemaker, Jones

CA-Debt
T-Property

117.43
109.00
226.43

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County
Your Orator William C. Huffaker
Administrator of ^{Estate of} David R. Keen dec'd
who sues for the benefit of James L.
Shoemaker & sons of Estate of D. R. Keen
dec'd, would respectfully represent
unto your Honor that at the
Term 18 of your Honor's Court he obtained
a judgment against John Ricard and
J. H. Jones for the sum of \$226.43, with
interest on \$117.43 from the
2^d day of July 1858 and on \$109.00 the
residue thereof from the 20th of August 1861
till paid and \$7.50 costs, ^{at law} upon this
judgment execution issued and
has since been returned by the
collecting officer no property found
said judgment and execution
with the endorsements thereon will
hereafter be filed marked (D.B.)
Your Orator says that said
parties have no ^{personal} property liable
to levy out of which said judgment
can be made. Your Orator said
said judgment docketed on the
judgment list books of the County
Court of of said County.
Your Orator would further say

that no part of said judgment has ever
been paid to him or the said beneficiary
or any part thereof but that the whole
amount thereof is still due and owing
to said Orator for the benefit of the said
J. S. Haemmer (Administrator of H. K. Haemmer
deceased). Said Orator would
further shew that the said
John Ridall and the said J. H.
Jones both owned some real estate
situated in said county of Lee at the
time of said judgment, and upon
which said judgment is a lien
the said John Ridall owns several
tracts of land adjoining each other
in Lee county in the Eastern end of
Turkey Cove upon which some of his
family now reside, the said J.
H. Jones owns about of about 600 acres
of land in said county in Turkey Cove
upon which he resides at the time of
the rendition of said judgment, upon
all of which said Orator's said judgment
is a lien, Said Orator shew
that said Land will not rent
for a sum sufficient to pay
said judgment interest & costs
in five years, and said Orator
being without adequate remedy

At Common Law and releasable
only in a court of Equity
~~that~~ ^{this} prayer therefore is that the said
John Readall and J H Jones be
made parties defes to this Bill
that they be required to answer
the same truly On Oath, that
upon a hearing your Honor
will by all proper and necessary
Orders and decrees direct, that
said bond or so much thereof as
will be necessary to pay said
judgment interest & costs at law
and costs of this suit be sold
and the proceeds of said sale be
applied to the payment of the same
unless it should appear that the parts
of said bond will pay the same
in less than five years then that
the same be ordered to pay the same
but should your Honor be in
any wise mistaken in the relief
herein sought then that your Honor
will grant in any and all such
cases further and several reliefs as
to Equity belongs and is suited to the
case, May the ever merciful Lord
of spa immediately

Holaway

On July 5.55 July 1881.
 18.00
 1.00
 21.55
 72.60
 22.27
 4.62
 27.14

CN
 Wm C. Lufkin same for
 75 Bill
 John Rialler J. H. Jones

1877. Oct. Bill Filed & pro
 Expects & Decree nisi.
 11 Nov. D. N. Court & Del for hear-
 ing by Plff.
 1880 Mr. Decree & Cont'd
 Aug. Court.
 1881. Mr. Court. Aug. Cont'd
 1882 Cont'd this year
 1883. Mr. Aug. & Nov. Cont'd
 1884. continued
 1885 Mr. Decree returning

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County Va.

This answer of John Riddle to a bill
filed in this honorable Court against this
respondent and others by Wm. C. Fugate
Adm'r &c for &c.

This respondent for answer to said
bill or so much thereof as he is advised
it is material for him to answer, answers
and says. That the rents and profits of his
said lands will in five years pay the
debt or judgement of the said Plaintiff
and he is ready to make and file a bond
binding himself to make the rents
and profits of said land pay said
debt in five years and now having
answered the Plaintiffs bill as fully
as he deems it material to answer
prays to be hence dismissed &c

Murison & Tinsman
for J. Riddle

Suborn to before me, by John Riddle, Decr 2nd 1879.
Jas W Orr. Clerk.

John Riddle et al

vs
J. A. Siver

Wm C. Sugan et al vs J. A. Siver

Filed Dec 2nd 1879.

Jas W Orr. Clk.

To the Hon. J. A. Kelley Judge of the Circuit
Court of Lee County Va

The ^{answer} demurrer of J. H. Jones to a bill
filed by W. C. Fugate Adm^r against
respondent & another

Respondent says his is advised the
bill of complainant is not good & suffi-
cient in law but there is good cause
of demurrer thereto & he does demur accordingly

Not waving said demurrer respondent
says this judgment is one proved
by complainant in the case of ~~Jones~~
vs respondent & ~~plff~~ is therefore bound
from proceeding in any other suit
thereon. Respondent further says
he suppose Jas Riddle is good for
this debt, which is one in which
respondent is only security & the principal
respondent, co-defendant has lands on
which said judgment is a lien &
having fully answered respondent
prays to be hence discharged with
his costs & as in duty &c

Morrison & Duncan

Sworn to before me, by Jas H. Jones, Dec 24 1879.
Jas W. Orr, Clerk.

Jas. F. Jones & another

ads {^{P.R.}
P. F. J. } Answer

Wm. C. Fugate Adm^r 7th

Filed Dec 2nd 1879.


Jas W. Orr, Clerk.

Wm C Hugott ²⁵ same bond } In Chancery
John Reade & J H Jones }

this cause came on again this day to be heard
upon the papers formerly read & was
argued by counsel

and in appearing from other causes
showing in this court & report of court that
there is prior liens upon the land sought
to be sold, that are not yet satisfied
On consideration whereof

It is adjudged ordered & decreed that complainant
have execution against says for his debt interest
costs at law in said court mentioned and
the costs of this suit, and the same
is stricken from the docket with leave to
have the same reinstated by motion in court
should either party so desire. for the purpose
of carrying out the orders & decrees heretofore
entered in this court

Mrs. C. Lafate turn over
or  screw

John Rineer & J. H. Jones

March Term 1885

Contd page 427

John Hyatt

Enter
J. A. K.
Mar 21/55

Wm. C. Lusk & Son }
vs two cases } In Chancery
John Russell vs

These cases came on again this day
of March to be heard upon the papers
formerly read & report of jurors
and was refused by council
and it appearing from the report
of the jurors perjured affidavits
to see the lands of Defendant
John Russell. Offender the same
for sale but in consequence of
other & prior liens upon the lands
was unable to get any bid for
said land.

On consideration whereof it is
advised & ordered entered that
that W. J. Moxon one of the jurors
of this court take and shall on
occasion showing what liens
there is upon the lands of said
John Russell and their priorities
and conditions said jurors will also
ascertain the amount of lands said
liens are upon and report that fact
to court together with any other
matter he may deem pertinent
and the court will continue

11th Co. 1st Regt. Cavalry
10 3
John P. Rider

Entered on p. 92. 93.
Jas. H. O. Clerk.

Enter
Jan. 4th
Mar. 24/80

Is the same John H. Kelley, one of the
 Circuit Court of Scott County
The commission having been appointed a
Special Commissioner in many cases now pending in
your court in favor of Mr. H. H. Kelley
Subscribed by John H. Kelley & John H. Kelley to
sell the land described in the bill of foreclosure
in said case mentioned by leave to state
that after a view of the land & place as
directed in said case of the land the cases
belonging to John H. Kelley to the highest bidder
on the 28th day of March 1880 for auction
the first day of the Circuit Court, where
there were many persons present.
Failed to get any bid whatever upon
the land of said John H. Kelley, was
convinced that this failure was from
the fact that there was better liens
upon the land. And was a deed of trust
for the benefit of P. H. Kelley and in other
cases was that there was better liens
upon the land. And in favor of Mr.
Kelley. And as the cases were pending it
would be right and proper for

said cause should be referred to one
 of the Comrs of said House Court
 to take an account showing all
 the liens upon the lands of said said
 Richard their amounts to whom and
 and their priority, and that said
 Comrs show the amount of loan
 upon which said improvements are
 liens that Justice may be properly
 made out to each ~~land~~ owner
 All of which is Respectfully
 submitted

Wm H. Sawyer } Comr?
 J. S. Prescott } —

Wm H. Sawyer
 J. S. Prescott
 John Russell
 Filed Mar 24th 1880.
 Jas W. Orr, clerk

A Circuit Court continued and held for
Lee County, at the Court house thereof on
Saturday the 30th day of March 1878.

Wm C. Foyate Adm^r. de Lewis son of David R.
Kane dec'd. for the benefit of James L. Shoemaker
Adm^r of Henry S. Kane dec'd.

Plaintiff {
In Debt

vs
John Riddle & J L Jones

Defendant

By agreement of the parties, it is considered by
the Court that the Plaintiff recover against
the Defendants \$226.43 the debts in the decla-
ration mentioned, with legal interest on \$117.43
part thereof from the 2nd day of July 1855, and
on 109⁰⁰ the residue thereof from the 20th day of
Aug. 1860 until paid, and the costs, And no
execution is to issue on this judgement until
after the 1st day of September 1878.

Wm C. Suydam Adams
for 1c

vs 3 Copy of Judgt
John Riddle et al

85
99
184

Exhibit "A"

Fee for this Copy 20¢

The Commonwealth of Virginia-

To the Sheriff of Lee County - Greeting:

We Command you, That of the goods and
Chattels of John Riddle and James F. Riddle
late in your Bailiwick, you cause to be made
\$220.43 with legal interest on \$117.43 from
July 2nd 1858 & on \$109.⁰⁰ from the 20th
day of Aug. 1864 till payment which
J^{ohn} W. Legate Admr for David R. Kane dec'd
for James L. Shornaker Admr of A. S. Kane
deceased, lately in our Circuit Court for
Lee County has recovered against them
for debt, also \$7.60 which to the said Admr
for DC. In our said Court were adjudged.
For his costs in that behalf expended, whereof
the said Riddle & James are convicted as
appears to us of record. And that you
have the same before the Judge of our said
Court, at the Court-house on the 1st Monday
in March next to render to said Admr &c
of the debt and costs aforesaid - And have
then return this writ, Witness James W. Orr, Clerk
of our said Court at the Court house
this 21st day of Dec. 1878, in the 103rd year of
the Commonwealth.

James W. Orr, Clerk
A Copy

Teste Jas. W. Orr, Clerk.

Am C. Sugate & Sons
for C-

vs B. H. H.

John Riddell & Co

Exhibit "B"

See for this copy. 25^c

To the Honorable John A. Kelly Judge of the Circuit
Court of Lee County, Virginia

The Defendants John Ridelle and James
Harris to a bill filed in this Honorable
Court against them by Wm L. Fugate
Samm. & Co. for &c. by their atty come and
say that the said Pltff should not
here and maintain this aforesaid
action against them because these
Defendants say that the said Plaintiff
has already filed his Judgment and
is proceeding to collect the same in the
Cause of E. C. & W. L. Lee Executors
now pending in this Honorable Court
against his respondents & others
wherefore they say that said Pltff should
not here and maintain this action
against them & this they are ready
to verify &c.

Wm. L. Fugate & Co. Attys
for a &c.

John Russell & Co
No 3 Plan
Wm C. Fugate & Co

Filed Dec 2nd 1879.
Wm C. Fugate & Co.

1880	3	23
1858	7	2
21	8	21
1880.	3.	23
1861	8	20
18	7	3

109.00	9117.43	11743
18	21	4
87200	11743	46972
10900	23486	39
196200	24660.3	10900
6	6	32700
11772.00	1479618	
327	508.1	
120.99	153.04	2nd to 23 March 80.
	11743	
	270.47	for 2nd
	10900	2nd
	12098	2nd to 23 March 80
	500.46	
	760	cost at same
	508.06	
	25.00	supposed cost
	533.06	sum.

see also Process book for this sum

Memorandum

The Commonwealth of Virginia.

To the Sheriff of Lee County—Greeting:

We Command you to Summon

John Riddle & James

T. Jones

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in *Oct.* next, being rule day, to answer a bill in chancery, exhibited in our said court against *them*

by *Wm C. Hugate* Admr. of David

R. Kane decd, who sues for the benefit of James L. Shoemaker Admr. of Estate of H. S. Kane decd,

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this *6th* day of *Sept.*, 1879, in the 104th year of the Commonwealth.

J. W. Orr Jr. D
Clerk.

H.

Wm. C. Fugate Adm. pro

78 3 Spa in Chy

John Riddle et al

Oct. Rules 1879

Edicuta

Fr. miles

Fr. L. C. L. L.